

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MONICA D. NASH,

Plaintiff,

v.

SHAWN BACICH, DENITA BALL,
THEODORE CHISHOLM, BRENT
SMOOT, DETECTIVE MITCHELL
GOTTSCHALK, RON LAGOSH,
MARGARET DAUN, and
CORPORATION COUNSEL,

Defendants.

Case No. 24-CV-442-JPS

ORDER

On September 18, 2024, Plaintiff Monica D. Nash (“Plaintiff”) filed a second amended complaint in this matter, naming as Defendants Shawn Bacich, Denita Ball, Theodore Chisholm, Brent Smoot, Detective Mitchell Gottschalk, Ron Lagosh, Margaret Daun (“Daun”), and “Corporation Counsel.” ECF No. 38. Plaintiff alleges violations of her civil rights and purports to sue pursuant to 42 U.S.C. § 1983. *Id.* at 2.

Also on September 18, 2024, Magistrate Judge William E. Duffin entered a recommendation and order screening the second amended complaint. ECF No. 39. Magistrate Judge Duffin noted that Plaintiff’s second amended complaint “largely restates the allegations of her first amended complaint,” except that it omitted a previously-named Defendant and named two new Defendants—Daun and “Corporation Counsel.” *Id.* at 1–2. Magistrate Judge Duffin recommends that Plaintiff be allowed to proceed against Daun but that “Corporation Counsel” be dismissed from the action. *Id.* at 2–3 (“[Plaintiff’s] allegations belie a misunderstanding of

the term 'Corporation Counsel.' . . . [Plaintiff] has failed to allege any plausible claim against [Corporation Counsel].").

Magistrate Judge Duffin ordered that any written objections to the recommendation be filed within fourteen days of service of the recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b)(2) of the Federal Rules of Civil Procedure. *Id.* at 3. Plaintiff has not timely objected to the recommendation. That being the case, and independently seeing no reason to depart from the recommendation, the Court will adopt Magistrate Judge Duffin's recommendation and order that "Corporation Counsel" be dismissed from this action. *See* Fed. R. Civ. P. 72, Notes of Advisory Committee on Rules—1983 ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." (citing *Campbell v. United States Dist. Ct.*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879)).

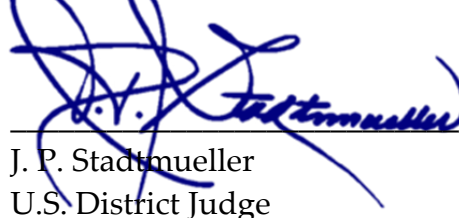
Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's recommendation and order, ECF No. 39, be and the same is hereby **ADOPTED**; and

IT IS FURTHER ORDERED that "Corporation Counsel" be and the same is hereby **DISMISSED** as a defendant from this action.

Dated at Milwaukee, Wisconsin, this 18th day of October, 2024.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge